

Aerial Spraying Approval Guidelines

1. Establish whether the proposed application is aerial, and if it is intended to occur over a populated area. Ground fogging, or aerial applications over rural areas do not require approval from this Department, only certification and training from the State Ag Department and/or FAA and the State Aeronautics Board.
2. Spraying must be done by a certified aerial applicator. (Few, if any crop sprayers are not certified.) Certification is made by the State Ag Department. Aerial sprayers must also be registered with the FAA and the State Aeronautics Commission.
3. Spraying must be done with ultra low velocity (ULV) spraying equipment. (Very few crop sprayers are so equipped.)
4. Only EPA registered pesticide may be used unless waived by public health emergency declaration. Biomist 30+30 ULV, or Trumpet are the most common for mosquitos. Foray 48 B is most common for cankerworms. Foray is not a chemical pesticide. It is instead a microorganism which infects and effectively destroys the cankerworm. It is actually the spore form of the bacterium *Bacillus thuringiensis*.
5. Applicant must establish a means for notifying public of when the spraying is to take place, so that at-risk individuals can take precautions.
6. All spraying must be done in accordance with FAA guidelines and follow reasonable procedures to minimize negative environmental impact. Considerations include, but are not limited to, time of day, day of week, ambient temperature, wind speed/direction and proximity to shorelines and other natural resources.
7. Upon review, the form is signed by the Division Director. A copy of the signed form is returned (mailed or faxed) to the requesting party, which is usually the aerial applicator, and becomes the written approval required by NDAC 33-15-10.